

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

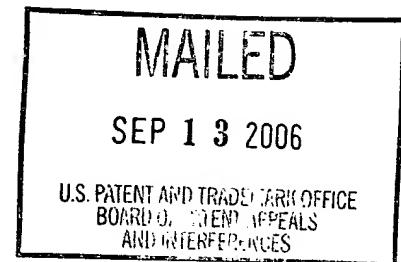
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT C. PHILLIPS and CAITLIN B. BESTLER

Appeal No. 2006-1986
Application No. 09/638,774

ON BRIEF



Before HAIRSTON, SAADAT and HOMERE, Administrative Patent Judges.

SAADAT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-24, which constitute all of the claims pending in this application.

We reverse.

BACKGROUND

Appellants' invention relates to a distributed multiprocessor server system in which request messages received from users are efficiently handled as a default processor which delegates such

requests to a set of special purpose handler processors.

Communications thereafter proceed between the handler processor and a network interface without passing through the default processor (specification, page 7).

Representative independent claim 1 is reproduced below:

1. A distributed multiprocessor server system for facilitating delegated processing of at least portions of requests associated with request messages received via a communicatively coupled network link, the system comprising:

a network interface;

an intelligent switch coupled to the network interface, the switch comprising logic components for identifying a new request, corresponding to a message packet received by the network interface, passed from the network interface to the intelligent switch;

a default handler processor coupled to the intelligent switch and configured to receive the new request from the intelligent switch, the default handler processor comprising delegation logic facilitating: associating a request type with at least a portion of the new request, identifying a handler processor from a set of specialized handler processors for executing at least the portion of the new request based upon the request type, and issuing a message reassigning at least the portion of the new request to the identified handler processor; and

at least one bus structure communicatively linking the set of specialized handler processors to the intelligent switch and request reassignment tracking logic enabling the intelligent switch to route messages associated with at least the portion of the reassigned request between the identified handler processor and the network interface, thereby facilitating completing at least the portion of the new request through communications between the identified handler of specialized handler processors and the network interface via the intelligent switch without intervention by the default handler processor.

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The Examiner relies on the following references in rejecting the claims:

Jacobson et al. (Jacobson)	5,546,558	Aug. 13, 1996
Rierden et al. (Rierden)	5,978,577	Nov. 2, 1999
Lim et al. (Lim)	6,374,296	Apr. 16, 2002 (filed Nov. 25, 1998)
Basham et al. (Basham)	6,425,059	Jul. 23, 2002 (filed Dec. 11, 1999)
Rungta	6,484,186	Nov. 19, 2002 (filed Feb. 15, 2000)

Claims 1, 2, 7, 9, 11-14, 19, 21, 23 and 24 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Rierden.

Claims 3 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rierden and Basham.

Claims 4 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rierden, Basham and Jacobson.

Claims 5 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rierden and Rungta.

Claims 5, 6, 8, 10, 17, 18, 20 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rierden and Lim.

Rather than reiterate the opposing arguments, reference is made to the brief and the answer for the respective positions of Appellants and the Examiner.

OPINION

With respect to the 35 U.S.C. § 102 rejection of the claims, Appellants argue that the claimed "without intervention by the default handler processor" is not the same as the "pass through" mode described in Rierden since the act of passing the results through the DDS in Rierden consumes processor assets (brief, page 4). Additionally, Appellants assert that the network switch and the default handler processor of Rierden cannot be physically separated as the DDSs are interposed between a set of servers, that actually carry out the requests, and a network interface which requires all communications to pass through DDS 150 (brief, page 5).

The Examiner responds by asserting that in the "pass through" mode, Rierden teaches (col. 9, lines 22-25; col. 17, lines 16-18) that the results pass through the intermediary DDS directly to the client without any intervention by the DDS (answer, pages 16-17). The Examiner characterizes the "pass through" mode of Rierden as the claimed routing messages associated with the reassigned requests and completing a new request through communications between the specialized handler and the network without intervention by the default processor (answer, page 19).

A rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be disclosed in

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a single prior art reference. See Atlas Powder Co. v. Ireco Inc., 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999); In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994). Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Sys. Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir. 1984).

Upon a review of Rierden, we remain unconvinced by the Examiner that routing messages associated with the reassigned requests is performed without intervention by the default handler processor. Claim 1 clearly requires that the specialized processor and the network interface communicate with each other without having to go through the default handler processor or allowing any processing done by it. As argued by Appellants (brief, page 5), the system disclosed by Rierden requires all the communications to pass through DDS 150. We also agree with Appellants that (brief, page 5) passing all requests requires some kind of handling by the DDS and the RPC Handler (col. 17, lines 6-8) although no additional processing may be done by the DDS. What the Examiner characterizes as "direct" communication to the requester (answer, page 16) is actually related to the results of the request processing sent back

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to the requester through the DDS which still constitutes intervention by the DDS as it passes the results back to the user (col. 9, lines 18-25).

In view of our analysis above, we find that Rierden cannot *prima facie* anticipate the claimed subject matter since the reference fails to teach all the limitations of claims 1 and 13. Accordingly, the 35 U.S.C. § 102 rejection of claims 1, 2, 7, 9, 11-14, 19, 21, 23 and 24 over Rierden cannot be sustained.

Turning now to the 35 U.S.C. § 103 rejection of the remaining claims we note that the Examiner further relies on Basham for teaching the recited memory arrangement, on Jacobson for incorporating a straddle into a partition, on Rungta for using bitmap entry format and on Lim using ATM cells for data transfer (answer, pages 8-14). As the Examiner has pointed to no additional teachings in these prior art references that would have overcome the deficiencies of Rierden as discussed above with respect to claims 1 and 13, the 35 U.S.C. § 103 rejection of claims 3 and 15 over Rierden and Basham, of claims 4 and 16 over Rierden, Basham and Jacobson, of claims 5 and 17 over Rierden and Rungta and of claims 5, 6, 8, 10, 17, 18, 20 and 22 over Rierden and Lim cannot be sustained.

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CONCLUSION

In view of the foregoing, the decision of the Examiner rejecting claims 1, 2, 7, 9, 11-14, 19, 21, 23 and 24 under 35 U.S.C. § 102 and of claims 3-6, 8, 10, 15-18, 20 and 22 under 35 U.S.C. § 103 is reversed.

REVERSED



KENNETH W. HAIRSTON
Administrative Patent Judge

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MAHSHID D. SAADAT
Administrative Patent Judge



JEAN R. HOMERE
Administrative Patent Judge

MS/rwk

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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780